

**IN THE UNITED STATE DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CHERYL RANKIN

PLAINTIFF

VS.

CIVIL ACTION NO. 3:08-CV-217 HTW-LRA

**JACKSON HMA, INC. D/B/A
CENTRAL MISSISSIPPI MEDICAL CENTER**

DEFENDANT

ORDER OF DISMISSAL

Before the court is a motion for summary judgment [docket no. 65] brought by defendant Jackson HMA, Inc. d/b/a Central Mississippi Medical Center. Plaintiff has failed to respond. The defendant filed the motion on March 9, 2010 along with a memorandum. On March 23, 2010, the deadline to file a response, plaintiff filed a motion for extension of time to file a response in which she requested that she be allowed three additional days, i.e., until March 26, 2010, to respond. On March 30, 2010, the Magistrate Judge granted plaintiff's motion for extension of time, allowing plaintiff until 5:00 p.m. that day to file a response. Plaintiff did not appeal the Magistrate Judge's order nor did plaintiff file a response to defendant's motion for summary judgment [docket no. 65].

On April 13, 2010, this court noticed a hearing for 11:00 a.m. on April 27, 2010, on defendant's motion for summary judgment [docket no. 65]. Neither plaintiff nor plaintiff's counsel appeared. Accordingly, this matter is dismissed without prejudice for failure to prosecute. *See Clofer v. Perego*, 106 F.3d 678, 679 (5th Cir. 1997) ("A district court has the inherent authority to dismiss an action *sua sponte* for failure to prosecute,

with or without notice to the parties.”).

Although by this order this court dismisses this action, this court will consider reinstating the lawsuit if persuaded that plaintiff had good reasons for the conduct in question. Accordingly, this court gives plaintiff ten (10) days from the date of this order, or not later than May 7, 2010, to show good cause as to why plaintiff did not respond to defendant’s motion for summary judgment and why plaintiff did not appear at the hearing scheduled for April 27, 2010, at 11:00 o’clock a.m.

SO ORDERED, this the 27th day of April, 2010.

**s/ HENRY T. WINGATE
CHIEF JUDGE
UNITED STATES DISTRICT COURT**

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